

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
ZONING MAP AMENDMENT REPORT (#FZC-20-19)
DAY FAMILY TRUST
JANUARY 27, 2021

I. GENERAL INFORMATION

A. Project Description

This is a report to the Flathead County Planning Board and Board of Commissioners regarding a request by APEC, on behalf of the Day Family Trust, for property located within the Echo Lake Zoning District. The proposed amendment, if approved, would change the zoning of the subject property from AG-40 (*Agricultural*) to SAG-5 (*Suburban Agricultural*).

B. Application Personnel

1. Owner

Rowland W. Day & Jamie D. Day
Family Trust
465 Echo Bay Trail
Bigfork, MT 59911

2. Applicant

APEC
75 Somers Road
Somers, MT 59932

C. Process Overview

Documents pertaining to the zoning map amendment are available for public inspection in the Flathead County Planning and Zoning Office located in the South Campus Building at 40 11th Street West in Kalispell.

1. Land Use Advisory Committee/Council

The Bigfork Land Use Advisory Committee (BLUAC) will conduct a public hearing on the proposed zoning map amendment on January 28th at 4:00 P.M. at Bethany Lutheran Church.

2. Planning Board

The Flathead County Planning Board will conduct a public hearing on the proposed zoning map amendment on February 10th at 6:00 P.M. at the Flathead County Fairgrounds. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration.

3. Commission

In accordance with Montana law, the Commissioners will hold a public hearing on the proposed zoning map amendment on March 2, 2021 at 9:00 A.M. in the Commissioner's Chambers at 800 South Main Street in Kalispell. Prior to the Commissioner's public hearing, documents pertaining to the zoning map amendments will also be available for public inspection at http://flathead.mt.gov/planning_zoning/planningboard.php.

II. PROPERTY CHARACTERISTICS

A. Subject Property Location and Legal Description

The property is located 465 Echo Bay Trail in Bigfork, MT (see Figure 1 below) and is approximately 62.13 acres. The properties are legally described as:

Lots 2A and 3A of The Amended Plat of Lots 2, 3, and 4 of Lake Hollows Subdivision, according to the official plat thereof, filed in Official Records of the Flathead County, Montana.

And

Lot 4AA of Echo Bay Tracts, an Amended Subdivision Plat of Lot 4A, according to the official plat thereof, filed in Official Records of Flathead County, Montana.

Figure 1: Subject property (outlined in red)

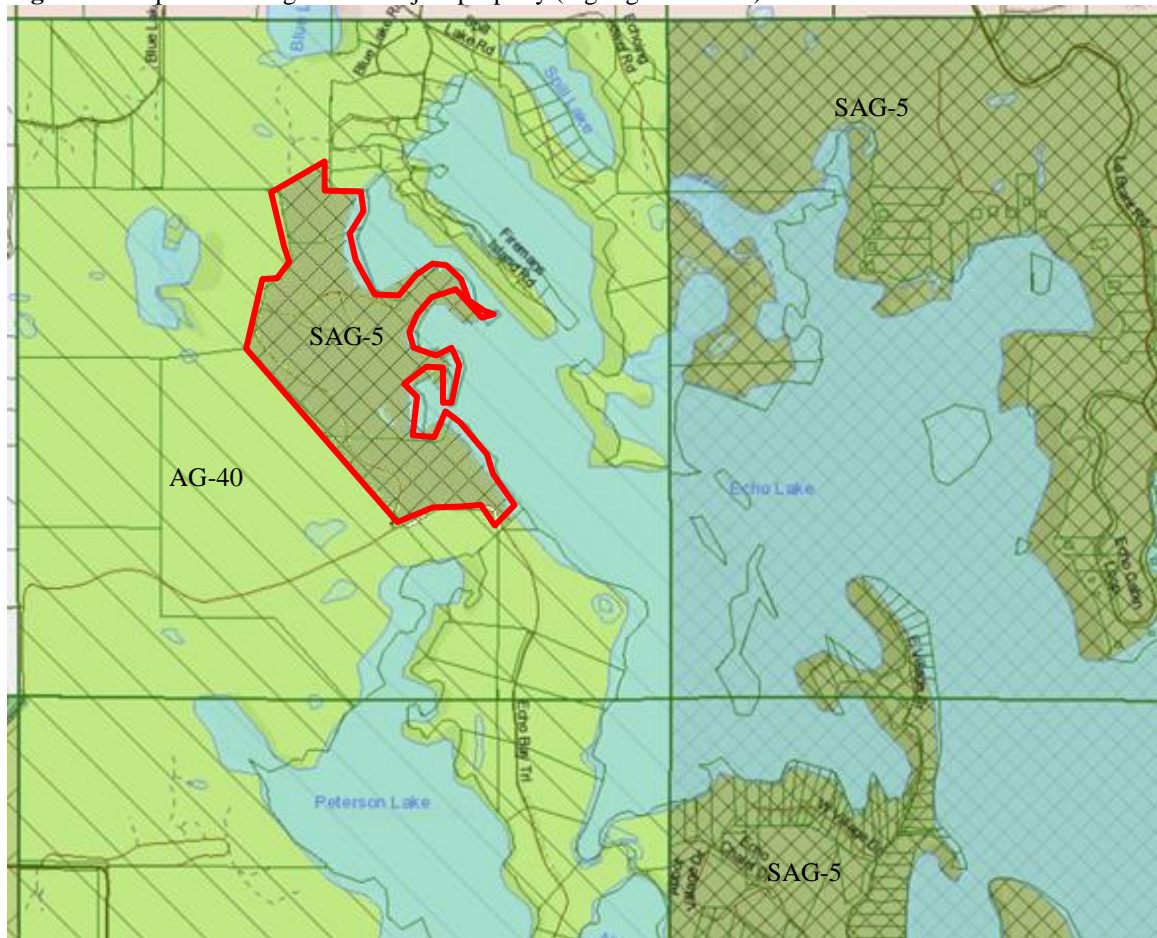


B. General Character of and Reason for Amendment

The subject property contains one tract located on Echo Bay Trail on Echo Lake. The property is wooded lot with rolling hills. There is a dwelling and other accessory buildings located on the property.

The application states, “The current AG-40 zoning does not match the surrounding properties, which are smaller lakefront lots not farmland. There are only a few tracts within this isolated district that are larger than 40 acres, while other surrounding properties are closer to a 5-acre average lot size. The hilly, varied terrain is forested, but not suited for typical agricultural practices, as the AG-40 zoning would indicate. SAG-5 zoning (not AG-40 zoning) is prevalent within the Echo Lake neighborhoods.”

Figure 2: Proposed zoning on the subject property (highlighted in red)

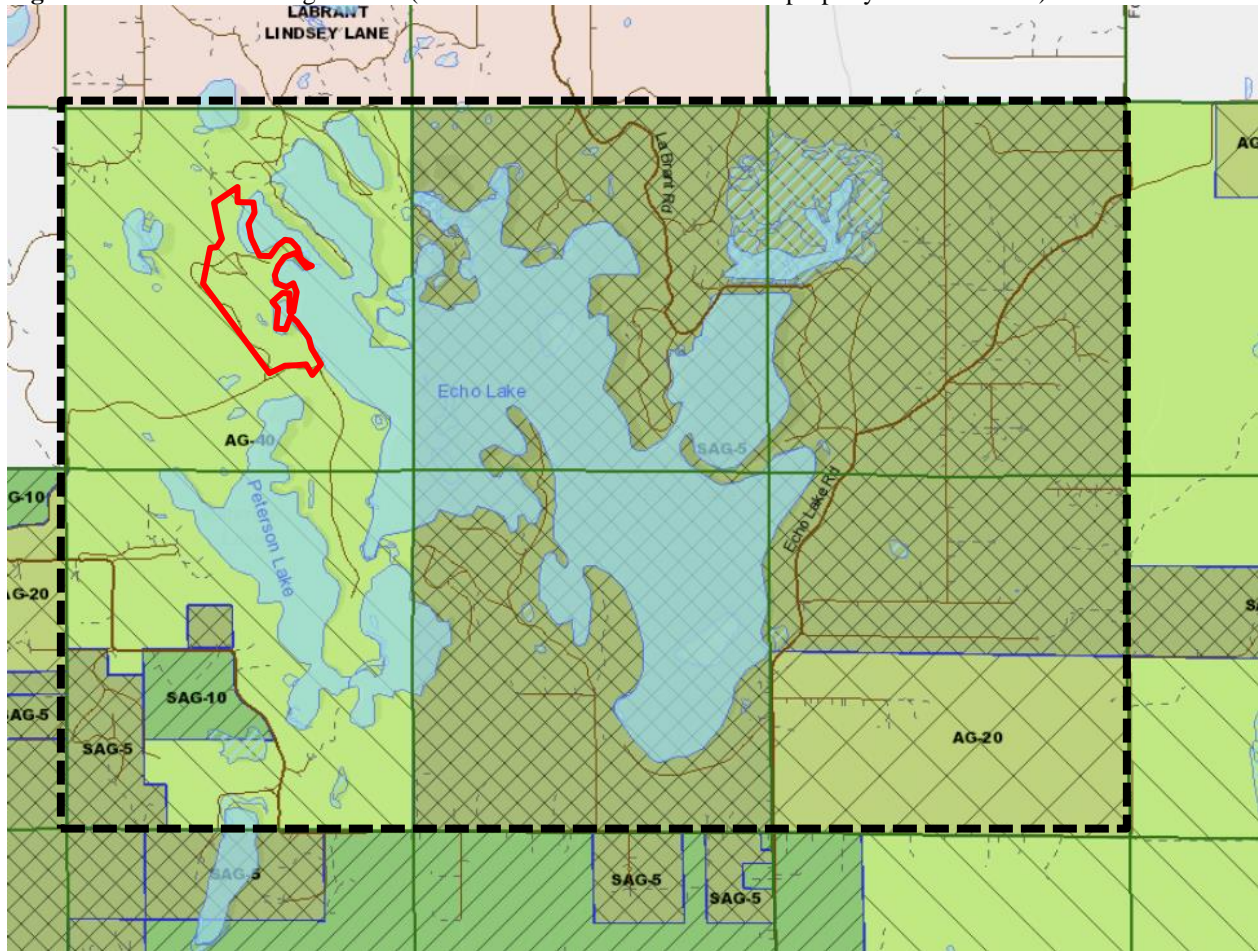


C. Adjacent Zoning and Character of the Overall Zoning District

The property is located in the Echo Lake Zoning District. The character of the zoning district in the vicinity of the subject property is generally suburban agricultural and rural residential.

The neighboring properties are zoned AG-40 zoning. Additional zoning in the district includes AG-5 around the shores of Echo Lake AG-20 and SAG-10.

Figure 3: Echo Lake Zoning District (outlined with dashed black line & property outlined in red)



D. Public Services and Facilities

Sewer:	N/A
Water:	N/A
Electricity:	Flathead Electric Cooperative
Natural Gas:	Northwestern Energy
Telephone:	CenturyTel
Schools:	Bigfork School District Bigfork High School District
Fire:	Creston Fire District
Police:	Flathead County Sheriff

III. COMMENTS

A. Agency Comments

1. Agency referrals were sent to the following agencies on December 8, 2020:
 - Flathead County Solid Waste
 - Flathead City-County Health Department
 - Flathead County Weeds and Parks Department
 - Bonneville Power Administration
 - Creston Fire District

- Bigfork High School District
 - Bigfork School District
 - Montana DNRC
 - Montana FWP
2. The following is a summarized list of agency comment received as of the date of the completion of this staff report:
- Montana FWP
 - Comment: “As the Flathead Valley undergoes unprecedented development it is losing wildlife habitat and agricultural lands at an alarming pace. Riparian areas are rapidly being developed with little to no consideration for wildlife habitat. We consistently recommend building setbacks around bodies of water that are rarely followed by developers. For this property, we recommend a 130 ft no-build zone around the shorefront, to include a 100 ft vegetated buffer. This area is frequently used by white-tailed deer, grizzly bears, and black bears, as well as other mid-sized mammals and numerous avian species. Rezoning of this property will increase the ongoing destruction and fragmentation of wildlife habitat in the valley and will result in increased human-wildlife conflicts.
 - Land zoning was established to maintain the quality of land and values of the community. Wildlife is highly valued by residents of the Flathead Valley, and the natural setting of the valley is often why people move here. Because of the potential impact in wildlife habitat and increased human-wildlife conflicts that will result from this zone change request, we recommend not approving this zone change request.” Letter received December 17, 2020.
 - BPA
 - Comment: “At this time, BPA does not object to this request, as the property is located 8.77 miles away from the nearest BPA transmission line.” Email received December 11, 2020
 - Flathead County Solid Waste
 - Comment: “The District requests that all solid waste generated at the proposed location be hauled by a private licensed hauler. Republic Service is the licensed (PSC) Public Service Commission licensed hauler in this area.” Letter dated December 23, 2020

B. Public Comments

1. Adjacent property notification regarding the proposed zoning map amendment was mailed to property owners within 150 feet of the subject property on January 20, 2021. Legal notice of the Planning Board public hearing on this application was published in the January 24, 2021 edition of the Daily Interlake.

Public notice of the Board of County Commissioners public hearing regarding the zoning map amendment will be physically posted on the subject property and within the zoning district according to statutory requirements found in Section 76-2-205 [M.C.A]. Notice will also be published once a week for two weeks prior to the public hearing in the legal section of the Daily Interlake. All methods of public notice will include information on the general character of the proposed zoning map amendment,

and the date, time, and location of the public hearing before the Flathead County Commissioners on the requested zoning map amendment.

2. Public Comments Received

As of the date of the completion of this staff report, no public comments have been received regarding the requested zoning map amendment. It is anticipated any member of the public wishing to provide comment on the proposed zoning map amendment may do so at the Planning Board public hearing scheduled for February 10, 2021 and/or the Commissioner's Public Hearing. Any written comments received following the completion of this report will be provided to members of the Planning Board and Board of Commissioners and summarized during the public hearing(s).

IV. EVALUATION OF PROPOSED AMENDMENT

Map amendments to zoning districts are processed in accordance with Section 2.08 of the Flathead County Zoning Regulations. The criteria for reviewing zoning amendments are found in Section 2.08.040 of the Flathead County Zoning Regulations and 76-2-203 M.C.A.

A. Build-Out Analysis

Once a specific zoning designation is applied in a certain area there are certain land uses that are permitted or conditionally permitted. A build-out analysis is performed to examine the maximum potential impacts of full build-out of those uses. The build-out analysis is typically done looking at maximum densities, permitted uses, and demands on public services and facilities. Build-out analyses are objective and are not best or worst case scenarios. Without a build-out analysis to establish a foundation of understanding, there is no way to estimate the meaning of the proposed change to neighbors, the environment, future demands for public services and facilities and any of the evaluation criteria, such as impact to transportation systems. Build-out analyses are simply establishing the meaning of the zoning map amendment to the future of the community to allow for the best possible review.

Per Section 3.05 of the Flathead County Zoning Regulations (FCZR), AG-40 is defined 'A district to protect and preserve agricultural land for the performance of a wide range of agricultural functions. It is intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development.'

The SAG-5 designation is defined in Section 3.08 FCZR as, 'A district to provide and preserve agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.'

The permitted uses and conditional uses for the proposed and existing zoning contain several differences. The amendment would decrease the number of permitted uses from 23 to 16 and the number of conditional uses would increase from 24 to 28.

The permitted and conditional uses listed within the AG-40 but not allowed in SAG-5 are as follows:

- Dairy Products processing, bottling, and distribution.
- Fish Hatchery.
- Animal farm.

- Communication tower/mast.
- Feed and seed processing and cleaning.
- Feed lot: cattle, swine, poultry.
- Landfill, sanitary disposal of garbage and trash.
- Radio and television broadcast tower.
- Rifle range.

The permitted uses within the AG-40 listed as conditional uses in the SAG-5 are as follows:

- Caretaker's facility.
- Cellular communications tower.
- Kennel.
- Riding academy, rodeo arena.
- Stable, public.

The conditional uses listed within the SAG-5 but not allowed in AG-40 are as follows:

- Community residential facility.
- Golf course.
- Golf driving range.
- Manufactured home park.
- Recreational vehicle park.

The bulk and dimensional requirements within the current and proposed zoning require a 20 foot setback from front, rear, side-corner and side boundary line for principal structures and a setback of 20 feet for the front and side-corner and 5 feet from the rear and side for accessory structures. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20 foot setback is required from county roads classified as collector or major/minor arterials for both the proposed and current zoning. For both zones the maximum height is 35 feet. The permitted lot coverage in SAG-5 is 25% and 20% in the AG-40.

The existing zoning requires a minimum lot area of 40 acres. The subject property totals 62.13 acres, zero additional lots could be created under the existing zoning. The proposed zoning requires a minimum lot area of five acres therefore approximately 11 additional lots could be created. The requested zone change has the potential to increase density through subsequent subdivision in the future. The bulk and dimensional requirements are similar but the amendment would reduce the number of permitted uses while increasing the number of conditional uses.

B. Evaluation of Proposed Amendment Based on Statutory Criteria (76-2-203 M.C.A. and Section 2.08.040 Flathead County Zoning Regulations)

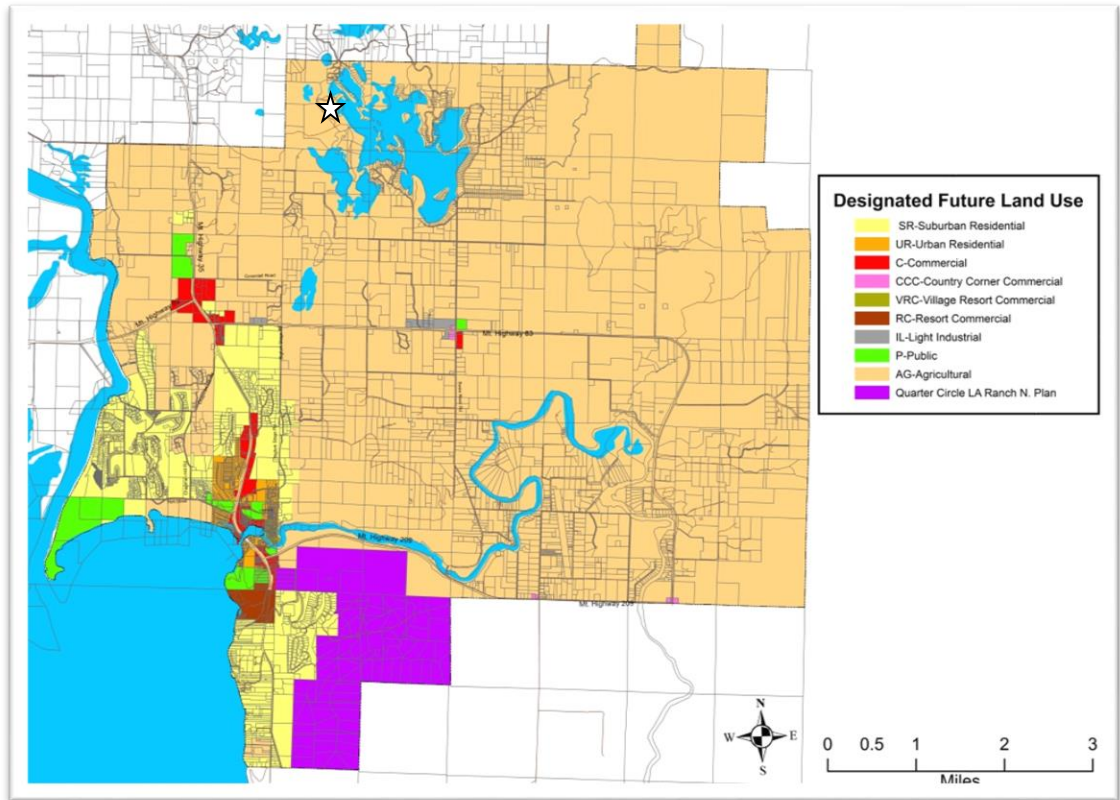
1. Whether the proposed map amendment is made in accordance with the Growth Policy/Neighborhood Plan.

The Bigfork Neighborhood Plan (The Plan) serves as a localized planning tool for the community of Bigfork. The Plan was adopted as an addendum to the Growth Policy to provide more specific guidance on future development and land use decisions at the local level.

As shown in Figure 4, the Bigfork Neighborhood Plan "Future Land Use Map" designates the area in which the subject property is located as 'Agricultural. According

to the text of the plan states, “Designated areas for agricultural production should be protected from the encroachment of residential and other more intensive development. Schools, fire stations, and parks are appropriate in this designation. Zoning designations in these areas range from Suburban Agriculture (SAG) 5 to Agriculture (AG) 80. This spectrum of zoning designations should be applied in a manner that implements the goals and policies of the plan in areas designated as AG on Map 10.”

Figure 4: Subject property generally located in the area shown with a star



Following is a consideration of goals and policies which appear to be applicable to the proposed zone change, to determine if the proposal complies with The Plan:

- ❖ **G.2** – *Support growth and development in the BPA in a way that protects the character of the area and its natural resources.*
 - The proposed zoning map amendment appears to protect the character of the area and its natural resource because it would allow for lot sizes and land uses similar to what exists in the adjacent SAG-5 zone.
- ❖ **G.6** – *Encourage and support residential development densities which are appropriate to existing and planned public facilities and services, which are absent of environmental constraints, and which enhance the character of the community.*
 - The proposed zoning map amendment is located in an area of the County that utilizes individual well and septic facilities but is within a rural fire district, is served by a public school district and the Flathead County sheriff, and appears absent of environmental constraints with the exception of dust generation.

- ❖ **G.8** – *Encourage housing that maintains traditional development patterns while protecting property values and natural resources.*
 - The proposed zone change would encourage housing that maintains traditional development patterns because it would allow for lot sizes and land uses similar to what exists on the adjacent properties.
- **P.8.2** – *Encourage lot size and configuration in rural areas that promote open space and scenic views, while maintaining the character of these areas and supporting agricultural operations.*
 - The proposed zoning would allow for lot sizes that maintain the character of the area.
- **P.9.3** – *Transportation corridors should maintain the continued visual enjoyment of both the well-tended agricultural lands and the natural beauty of the area, and provide unimpeded traffic flow.*
 - The subject property is not currently used for nor has it been historically used for agricultural and the proposed zone change would likely maintain the natural beauty of the area and would likely not negatively impact traffic flow.

The Plan states, *“In areas adjacent to Residential designations with efficient service provision, convenient access to public facilities, paved roads and no environmental constraints, SAG-5 zoning is an appropriate use and density. As the smallest “agricultural” designation, small hobby farms, horse pastures and rural single family residential dwellings exemplify areas where this zone is used.”*

The Bigfork Neighborhood Plan provides guidance for the appropriate use of the spectrum of Agricultural zoning designations. The property is located on a paved road. With limited environmental constraints. The property is located adjacent to AG-40 zoning. However, much of the zoning district is SAG-5, with some SAG-10 and AG-20 as well.

The Bigfork Neighborhood Plan appears to generally support the proposed zoning map amendment by the Future Land Use Map designation of ‘Agricultural,’ and the goals, policies and texts of the plan.

Finding #1: The proposed zoning map amendment from AG-40 to SAG-5 appears to comply with the Bigfork Neighborhood Plan Map because the proposed zoning classification is compatible with the future land use map designation of ‘Agricultural.’

Finding#2: The proposed zoning map amendment from AG-40 to SAG-5 is generally supported by the text, goals and policies of The Plan because it would encourage housing that maintains traditional development patterns, is not currently used for nor has it been historically used for agricultural, and it would allow for lot sizes and land uses between that exists in the adjacent SAG-5, AG-20, and AG-40 zones.

2. Whether the proposed map amendment is designed to:

a. Secure safety from fire and other dangers;

The subject property is located within the Creston Fire District and the nearest fire station in the district is located approximately 7.7 miles from the property. The nearest fire station operated by the Bigfork Fire Department is 4.9 miles away. The

Creston Fire Department would respond in the event of a fire or medical emergency. The Creston Fire Department did not provide comment on this proposal.

The subject property is located in the Wildland Urban Interface (WUI) and designated as County Wide Priority Area. According to the Flathead County Growth Policy, “The WUI is commonly described as the zone where structures and other human development meet and intermingle with undeveloped forests. This WUI zone is comprised of private and public lands and can pose risks to life, property, and infrastructure in associated communities if not mitigated.”

The subject property is an unmapped on FEMA FIRM Panel 30029C1875G. The south half of Echo Lake is mapped as Zone A, according to FIRM Panel 30029C2310J. The average high water elevation on the lake has been determined to be 3009.56 feet (NAVD88), as of November 5, 2019. The lake elevations are known to fluctuate yearly by several feet and some years 5 or more feet above the average high water elevation. As such even though the property is not mapped as floodplain, there is flood risk to the property and future and existing structures on the property.

Finding #3: The proposed map amendment would secure safety from fire and other dangers because even though it would allow for additional houses in the WUI, emergency services are available, and thinning has occurred on the property.

Finding #4: The subject property has flood risk because the south half of the property is located in a flood hazard Zone A, and the annual high water elevation fluctuates to 5 or more feet above the mean annual high water on Echo Lake.

b. Promote public health, public safety, and general welfare;

The subject property is located within the Creston Fire District and the nearest fire station in the district is located approximately 7.7 miles from the property. The Creston Fire Department would respond in the event of a fire or medical emergency and the Flathead County Sheriff’s Department provides police services to the subject property.

According to the applicant, “Also, SAG-5 zoning requires 75% open space (only 25% lot coverage is permitted), which preserves the low density character, the natural landscape and vegetation which promotes the general welfare.”

Emergency service providers can anticipate likely emergencies based on similar existing and proposed uses. The SAG-5 zoning classification would allow for similar uses to what already exists in the area and what is allowed within in the current and neighboring AG-40, SAG-10 and SAG-5 designation, therefore the zone change is not anticipated to adversely impact public health, safety or welfare.

Finding #5: The proposed zoning map amendment would not have a negative impact on public health, safety and general welfare because the property is served by the Creston Fire Department, Flathead County Sheriff, future development would be similar to uses already allowed in the current AG-40 SAG-10 and SAG-5 zoning, and emergency service providers can anticipate likely emergencies based on similar existing and proposed uses.

c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

Primary access to the property is currently via Echo Bay Trail from McCaffery Road. Echo Bay Trail is a 15 foot wide paved private road within a 60 foot easement.

Echo Bay Trail is a private road and no traffic counts are available. Given that about 39 properties are located on Echo Bay Trail or a road off of roads that intersect with Echo Bay Trail, most of those properties do not contain houses so the total average daily trips would be minimal.

Staff calculated estimated average daily traffic (ADT) using a standard trip generation of 9.51 trips per single family dwelling. With 10 additional dwellings the proposal has the potential to increase traffic by 95 vehicles trips per day.

The applicant has stated that the subject property will be serviced by individual sewer and water systems. The applicant will be required to work with Flathead City-County Health Department to develop an on-site well and sewer system to meet the needs of any future development. Flathead City-County Health Department did not provide comment on the proposal.

While the subject property is located within the Bigfork School District and Bigfork High School District, neither school district provided comments on this proposal. The Bigfork School District have seen an increase of 18% in student enrollment over the last ten years. The Bigfork High School District has increased 22% in student enrollment over the last ten.

According to the 2019 Census estimates, there are 49,531 housing units in the Flathead County. The Flathead County Statistical Report of Schools 2020 states there are 16,758 students enrolled in public, private and home schools. The total students (16,758) divided by the total households (49,531) equals approximately 0.34 students per household. Therefore, 10 additional lots could generate approximately 3 school age children. It is anticipated that the school would have capacity should any residential growth occur as a result of the proposed zoning map amendment.

The zoning map amendment would change the current 40 acre minimum lot size to a smaller 5 acre minimum lot size, it is anticipated subsequent future development would require review and parkland would not be required at that time because the lots created would be greater than five gross acres in size. There are numerous parks, natural areas, and recreational opportunities within a short drive of the subject property.

Finding #6: The proposed zoning map amendment would facilitate the adequate provision of transportation because the existing infrastructure appears adequate to accommodate the change in zoning, and the traffic generated from this proposal would be approximately 95 average daily trips.

Finding #7: The proposed zoning map amendment would not hinder the adequate provision of water, sewer, schools and parks because the applicant will utilize individual septic systems and wells which will require future review, the proposal

will generate minimal school age children and there are numerous parks, natural areas, and recreational opportunities in the vicinity.

3. In evaluating the proposed map amendment, consideration shall be given to:

a. The reasonable provision of adequate light and air;

Any additional lots created or structures constructed would be required to meet the bulk, dimensional, permitted lot coverage and minimum lot area requirements of the SAG-5 zoning classification. The maximum building height within the proposed SAG-5 zone is 35 feet and the maximum building height of the existing AG-40 zone is 35 feet. Permitted lot coverage is 20% for the existing zoning classifications and 25% for the proposed SAG-5. The minimum lot area for SAG-5 is 5 acres and the minimum lot area for the existing AG-40 is 40 acres. The subject property totals 62.13 acres, zero additional lots could be created under the existing zoning. The proposed zoning would allow for approximately 11 additional lots to be created.

As previously stated, the setback requirements within the current and proposed zoning require a 20 foot setback from front, rear, side-corner and side boundary line for principal structures and a setback of 20 feet for the front and side-corner and 5 feet from the rear and side for accessory structures. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20 foot setback is required from county roads classified as collector or major/minor arterials for both the proposed and current zoning. The bulk and dimensional requirements for the SAG-5 designation have been established to provide for a reasonable provision of light and air.

Finding #8: The proposed zoning map amendment would provide adequate light and air to the subject property because future development would be required to meet the bulk and dimensional, setbacks and lot coverage requirements within the proposed SAG-5 designation.

b. The effect on motorized and non-motorized transportation systems;

Primary access to the property is currently via Echo Bay Trail from McCaffery Road. Echo Bay Trail is a 15 foot wide paved private road within a 60 foot easement.

Echo Bay Trail is a private road and no traffic counts are available. Given that about 39 properties are located on Echo Bay Trail or a road off of roads that intersect with Echo Bay Trail, most of those properties do not contain houses so the total average daily trips would be minimal.

Staff calculated estimated average daily traffic (ADT) using a standard trip generation of 9.51 trips per single family dwelling. With 10 additional dwellings the proposal has the potential to increase traffic by 95 vehicles trips per day.

There is no existing bike/pedestrian facilities currently located along Echo Bay Trail and no future bike/pedestrian trail is identified on Echo Bay Trail in the Flathead County Trails Plan.

Finding #9: Effects on motorized and non-motorized transportation systems will be minimal because the existing road infrastructure appears adequate to

accommodate the change in zoning, this proposal would likely generate an additional 95 ADT and the change will not have an impact on the bicycle/pedestrian trails in the county.

c. Compatible urban growth in the vicinity of cities and towns (that at a minimum must include the areas around municipalities);

The town of Bigfork, which is not an incorporated municipality, is located approximately 4.5 miles south of the subject property, and the proposed zoning map amendment appears compatible with urban growth of the Bigfork Planning Area (BPA) as described in the Bigfork Neighborhood Plan because the plan designates the location of the subject property as ‘Agricultural’ and specifically contemplates SAG-5 zoning as being an appropriate zoning implementation for the ‘Agricultural’ designation.

The incorporated City of Kalispell, which is the nearest city, is located approximately 10 miles northwest of the subject properties and the proposed zoning map amendment will not have an impact on urban growth of Kalispell.

Finding #10: The proposed zoning map amendment would be compatible with current urban growth in the Bigfork area because the proposed SAG-5 zoning is described as an appropriate zoning implementation for the ‘Agricultural’ designation in the Bigfork Neighborhood Plan.

d. The character of the district(s) and its peculiar suitability for particular uses;

The character of the district and its peculiar suitability for particular uses can best be addressed using the “three part test” established for spot zoning by legal precedent in the case of *Little v. Board of County Commissioners*. Spot zoning is described as a provision of a general plan (i.e. Growth Policy, Neighborhood Plan or Zoning District) creating a zone which benefits one or more parcels that is different from the uses allowed on surrounding properties in the area. Below is a review of the three-part test in relation to this application and the character of the district and its peculiar suitability for particular uses.

i. *The zoning allows a use that differs significantly from the prevailing use in the area.*

The intent of the existing ‘AG-40 Agricultural’ zone is to protect and preserve agricultural land for the performance of a wide range of agricultural functions. The purpose of the proposed ‘SAG-5 Suburban Agricultural’ zone is to provide and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses.

The proposed SAG-5 would allow for the similar uses as the adjacent AG-40 zoning and the same use as other SAG-5 zoned properties on Echo Lake. The main difference between the existing and proposed zoning is minimum lot area, in the existing AG-40 zoning the minimum lot area is 40 acres while the proposed SAG-5 zone has a 5 acre minimum lot area.

The character of the overall zoning district is rural residential, heavily forested with not much agricultural or forestry activities. A majority of the surrounding properties are either vacant or utilized for single family. The proposed zoning

map amendment, if approved, would allow for uses that are typical of suburban agricultural zoning districts and similar to uses that are allowed under the existing agricultural zoning and existing on surrounding properties.

- ii. ***The zoning applies to a small area or benefits a small number of separate landowners.***

Using standard ArcGIS software staff determined that the subject property is located within an AG-40 zoning district which is approximately 1,117.1 acres. The area of the proposed zoning map amendment is 62.13 acres or 5.5% of the existing AG-40 zoning use district.

The total acreage within the Echo Lake Zoning District is 3,824 acres. Approximately 324.5 acre is zoned AG-20, and approximately 46 acres is zoned SAG-10. Over 2,336 acres is zoned SAG-5 or 61.1% of the Echo Lake Zoning District. So even though the proposed SAG-5 is not adjacent to other SAG-5 zoning the majority of the zoning district is already zoned SAG-5. Additionally most other properties similarly situated along the shores of Echo Lake are within the SAG-5 zoning.

- iii. ***The zoning is designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public and, thus, is in the nature of special legislation.***

The subject property is currently owned by a single landowner however, the permitted and conditional uses listed within a SAG-5 zone are similar to the permitted and conditional uses in the current AG-40 zone, as discussed in the build-out analysis, and identical to the other SAG-5 zoning similarly situated around Echo Lake.

The zoning map amendment would allow uses that are typical of suburban agricultural zoning districts and similar to uses that are allowed under the existing agricultural zoning and the suburban agricultural zoning of the surrounding area.

Finding #11: The proposed zoning map amendment appears suitable for the character of the district and does not appear to constitute spot zoning because the proposed zone change would allow for the same uses permitted throughout the neighboring properties and the majority of the Echo Lake Zoning District is already zoned SAG-5.

- e. **Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.**

The adjacent properties are all heavily forested, and developed with single family residence. Most of the properties on Echo Lake are smaller lots with single family dwellings. The uses allowed within the SAG-5 zone are similar to what is permitted and what currently exists in the surrounding AG-40, SAG-10 and SAG-5 designations. Allowing the requested zoning amendment on the subject property could conserve the value of buildings and encourage the most appropriate use of the land throughout the jurisdictional area.

Finding #12: This zoning map amendment appears to conserve the value of buildings and encourage the most appropriate use of land in this particular location because the SAG-5 designation allows for similar uses to the surrounding AG-40, SAG-10 and SAG-5 designation.

4. Whether the proposed map amendment will make the zoning regulations, as nearly as possible, compatible with the zoning ordinances of nearby municipalities.

The nearest incorporated city is the City of Kalispell which is located approximately 10 miles northwest of the subject property. Because there are no nearby municipalities the proposal will have no impact on compatibility of zoning ordinances of nearby municipalities.

Finding #13: The proposed map amendment will not impact the compatibility of zoning ordinances of nearby municipalities because the closest incorporated city is located approximately 10 miles northwest of the subject property.

V. SUMMARY OF FINDINGS

1. The proposed zoning map amendment from AG-40 to SAG-5 appears to comply with the Bigfork Neighborhood Plan Map because the proposed zoning classification is compatible with the future land use map designation of ‘Agricultural.’
2. The proposed zoning map amendment from AG-40 to SAG-5 is generally supported by the text, goals and policies of The Plan because it would encourage housing that maintains traditional development patterns, is not currently used for nor has it been historically used for agricultural, and it would allow for lot sizes and land uses between that exists in the adjacent SAG-5, AG-20, and AG-40 zones.
3. The proposed map amendment would secure safety from fire and other dangers because even though it would allow for additional houses in the WUI, emergency services are available, and thinning has occurred on the property.
4. The subject property has flood risk because the south half of the property is located in a flood hazard Zone A, and the annual high water elevation fluctuates to 5 or more feet above the mean annual high water on Echo Lake.
5. The proposed zoning map amendment would not have a negative impact on public health, safety and general welfare because the property is served by the Creston Fire Department, Flathead County Sheriff, future development would be similar to uses already allowed in the current AG-40 SAG-10 and SAG-5 zoning, and emergency service providers can anticipate likely emergencies based on similar existing and proposed uses.
6. The proposed zoning map amendment would facilitate the adequate provision of transportation because the existing infrastructure appears adequate to accommodate the change in zoning, and the traffic generated from this proposal would be approximately 95 average daily trips.
7. The proposed zoning map amendment would not hinder the adequate provision of water, sewer, schools and parks because the applicant will utilize individual septic systems and wells which will require future review, the proposal will generate minimal school age

children and there are numerous parks, natural areas, and recreational opportunities in the vicinity.

8. The proposed zoning map amendment would provide adequate light and air to the subject property because future development would be required to meet the bulk and dimensional, setbacks and lot coverage requirements within the proposed SAG-5 designation.
9. Effects on motorized and non-motorized transportation systems will be minimal because the existing road infrastructure appears adequate to accommodate the change in zoning, this proposal would likely generate an additional 95 ADT and the change will not have an impact on the bicycle/pedestrian trails in the county.
10. The proposed zoning map amendment would be compatible with current urban growth in the Bigfork area because the proposed SAG-5 zoning is described as an appropriate zoning implementation for the 'Agricultural' designation in the Bigfork Neighborhood Plan.
11. The proposed zoning map amendment appears suitable for the character of the district and does not appear to constitute spot zoning because the proposed zone change would allow for the same uses permitted throughout the neighboring properties and the majority of the Echo Lake Zoning District is already zoned SAG-5.
12. This zoning map amendment appears to conserve the value of buildings and encourage the most appropriate use of land in this particular location because the SAG-5 designation allows for similar uses to the surrounding AG-40, SAG-10 and SAG-5 designation.
13. The proposed map amendment will not impact the compatibility of zoning ordinances of nearby municipalities because the closest incorporated city is located approximately 10 miles northwest of the subject property.

VI. CONCLUSION

Per Section 2.08.020(4) of the Flathead County Zoning Regulations (FCZR), a review and evaluation by the staff of the Planning Board comparing the proposed zoning map amendment to the criteria for evaluation of amendment requests found in Section 2.08.040 FCZR has found the proposal to generally comply with the review criteria, based upon the draft Findings of Fact presented above. Section 2.08.040 does not require compliance with all criteria for evaluation, only that the Planning Board and County Commissioners should be guided by the criteria.

Planner: EKM